

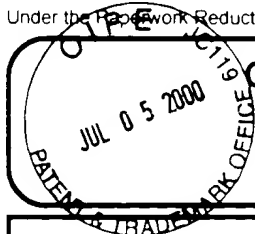
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7/16/36

PTO/SB29 (8/98)

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# CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL

Submit an original, and a duplicate for fee processing.  
(Only for Continuation or Divisional applications under 37 CFR 1.53(d))

CHECK BOX, if applicable

DUPLICATE

#3!  
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Address to:  Assistant Commissioner for Patents Box CPA Washington, DC 20231	Attorney Docket No. of Prior Application	APV-022.01
	First Named Inventor	Pomerantz et al.
	Examiner Name	McKelvey, T.
	Group / Art Unit	1636
	Express Mail Label No.	EL 408070595 US

This is a request for a ☒ continuation or ☐ divisional application under 37 CFR 1.53(d),  
continued prosecution application (CPA)) of a prior application number 08/366,083  
filed on December 29, 1994, entitled Chimeric Transcription Factors

## NOTES

**FILING QUALIFICATIONS:** The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 C.F.R. § 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371. A Notice will be placed on a patent issuing from a CPA, except for reissues and designs, to the effect that the patent issued on a CPA and is subject to the twenty-year patent term provisions of 35 U.S.C. § 154(a)(2). Therefore, the prior application of a CPA may have been filed before, on or after June 8, 1995.

**C-I-P NOT PERMITTED:** A continuation-in-part application cannot be filed as a CPA under 37 C.F.R. § 1.53(d), but must be filed under 37 C.F.R. & 1.53(b).

**EXPRESS ABANDONMENT OF PRIOR APPLICATION:** The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 C.F.R. § 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

**ACCESS TO PRIOR APPLICATION:** The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 C.F.R. § 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

**35 U.S.C. 120 STATEMENT:** In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 C.F.R. § 1.78(a).

- Enter the unentered amendment previously filed on \_\_\_\_\_  
under 37 CFR 1.116 in the prior nonprovisional application.
- ☒ A preliminary amendment is enclosed.
- This application is filed by fewer than all the inventors named in the prior application, 37 CFR 1.53 (d)(4).
  - DELETE** the following inventor(s) named in the prior nonprovisional application:  
\_\_\_\_\_  
\_\_\_\_\_
  - The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
- A new power of attorney or authorization of agent (PTO/SB 81) is enclosed.
- Information Disclosure Statement (IDS) is enclosed:
  - PTO-1449
  - Copies of IDS Citations

(Page 1 of 2)

Burden Hour Statement This form is estimated to take 0.4 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO Assistant Commissioner for Patents, Box CPA, Washington, DC 20231.

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CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
	TOTAL CLAIMS	58 - 20* =	38	x \$18	\$ 684
	INDEPENDENT CLAIMS	4 - 3** =	1	x \$78	\$ 78
	MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d))			+ \$130	\$
				BASIC FEE	\$ 690
				Total of above Calculations =	\$ 1,452
	Reduction by 50% for filing by small entity (Note 37 CFR 1.9, 1.27, 1.28)				
	*Reissue claims in excess of 20 and over original patent. ** Reissue independent claims over original patent.			TOTAL =	\$ 726

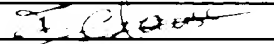
6. Small entity status:
- A small entity statement is enclosed, if (b) and (c) do not apply.
  - ☒ A small entity statement was filed in the prior nonprovisional application and such status is still proper and desired.
  - Is no longer claimed.
7. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 06-1448 - \_\_\_\_\_:
- ☒ Fees required under 37 CFR § 1.16.
  - ☒ Fees required under 37 CFR § 1.17.
  - Fees required under 37 CFR § 1.18.
8. A check in the amount of \$ \_\_\_\_\_ is enclosed.
9. New Attorney Docket Number, if desired  
*(Prior application Attorney Docket Number will carryover to this CPA unless a new Attorney Docket number has been provided herein.)*
10.
  - Receipt For Facsimile Transmitted CPA (PTO/SB/29A)
  - Return Receipt Postcard (Should be specifically itemized, See MPEP 503)
11. ☒ Other: Petition for Three-Month Extension of Time.

**NOTE:** *The prior application's correspondence address will carry over to this CPA*

#### 10. NEW CORRESPONDENCE ADDRESS

Customer Number or Bar Code Label		(Insert Customer No. or Attach bar code label here)		or		New correspondence address below	
NAME							
ADDRESS							
CITY		STATE		ZIP CODE			
COUNTRY		TELEPHONE		FAX			

#### 11. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Isabelle M. Clauss
Signature	
Registration No. (Attorney/Agent)	(see attached)
Date	July 5, 2000

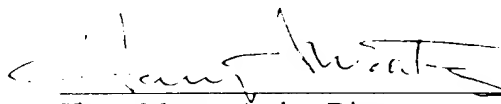
**BEFORE THE OFFICE OF ENROLLMENT AND DISCIPLINE  
UNITED STATE PATENT AND TRADEMARK OFFICE**

**LIMITED RECOGNITION UNDER 37 CFR § 10.9(b)**

Isabelle M. Clauss is hereby given limited recognition under 37 CFR § 10.9(b) as an employee of the Foley, Hoag & Eliot, LLP. law firm to prepare and prosecute patent applications wherein the patent applicant is the client of the Foley, Hoag & Eliot, LLP. law firm, and the attorney or agent of record in the applications is a registered practitioner who is a member of the Foley, Hoag & Eliot, LLP. law firm. This limited recognition shall expire on the date appearing below, or when whichever of the following events first occurs prior to the date appearing below: (i) Isabelle M. Clauss ceases to lawfully remain and reside in the United States, (ii) Isabelle M. Clauss' employment with the Foley, Hoag & Eliot, LLP. law firm ceases or is terminated, or (iii) Isabelle M. Clauss' current Employment Authorization card expires.

This document constitutes proof of such recognition. The original of this document is on file in the Office of Enrollment and Discipline of the U.S. Patent and Trademark Office.

**Expires: February 28, 2001**

  
\_\_\_\_\_  
Harry Moatz, Acting Director  
Office of Enrollment and Discipline



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re the application of: Pomerantz et al.

Serial No.: 08/366,083

Filed: December 29, 1994

For: *Chimeric Transcription Factors*

Group Art Unit: 1636

Examiner: McKelvey, T.

Attorney Docket No.: APV-022.01

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1.9  
7/12/00

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Assistant Commissioner for Patents  
Washington, D.C. 20231

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I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail, postage prepaid, "Post Office to Addressee", in an envelope addressed to the Assistant Commissioner for Patents, Box CPA, Washington, D.C. 20231 on this date of July 5, 2000.

July 5, 2000

Date of Deposit

C. Eugene Coker

PRELIMINARY AMENDMENT

Dear Sir:

Applicants submit this Preliminary Amendment in the above-referenced application together with a Continued Prosecution Application (CPA) Request Transmittal. This Preliminary Amendment also addresses the rejections set forth in the final Office Action dated August 4, 1999. A petition for a three-month extension of time and appropriate fees are being submitted concurrently herewith. Please amend the application as follows.

In the Claims:

Please amend the claims as follows.

40. (Amended) A nucleic acid encoding a chimeric protein which binds a nucleic acid comprising a composite binding site, wherein the chimeric protein comprises two nucleic acid-binding domains, [,] each of which binds a sequence which is a portion of the composite